THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 23361 of 2007

Dated: 05.11.2007

Between:

Motuuri Sankaraiah
& others.

... Petitioners

AND

The Government of Andhra Pradehs,
Rep., by its Secretary, General Admn., Dept.,
Secretariat, Hyderabad,
& others.

... Respondents

Counsel for the petitioners : Sri E. Venkat Reddy

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

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WRIT PETITION No. 23361 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in acquiring the lands belonging to the petitioners by issuing notification dated 07.06.2007 under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') and the declaration dated 07.06.2007 issued under Section 6 of the Act, as illegal and arbitrary.

The main grievance of the petitioner in this writ petition is that for rehabilitation of the displaced persons under Mid Mannar project, the lands of the petitioners are sought to be acquired and that the respondents have dispensed with the enquiry under Section 5-A of the Act.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition.

Learned counsel for the petitioner brought to my notice order dated 28.08.2007 passed by this Court in Writ Petition No.18275 of 2007, wherein this Court held that dispensing with 5-A enquiry in similar situation is bad.

Learned Assistant Government Pleader for Land Acquisition fairly conceded that this case is similar to Writ Petition No.18275 of 2007.

In view of the same, the writ petition is partly allowed. The declaration issued under Section 6 of the Act published in A.P. Gazette bearing No.34 dated 04.07.2007 is set aside. The

respondents are directed to hold enquiry under Section 5-A of the Act.

As a sequel to disposal of the writ petition in the manner indicated above, WPMP.No.30442 of 2007 filed by the petitioners is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 05.11.2007
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